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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-07-00370-CW
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING STATUS
13 vs.)	HEARING
)	
14 JOSE LOPEZ-PADILLA,)	Hearing Date: July 25, 2007
)	Requested Date: August 15, 2007
15 Defendant.)	
)	

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17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the
18 MOTIONS/SETTING date of July 25, 2007 presently scheduled at 2:00 p.m., before the
19 Honorable Claudia Wilken, be vacated and re-set for August 15, 2007 at 2:00 p.m. for
20 MOTIONS/SETTING.

21 The reason for this request is that additional time is needed, as there is an important
22 legal and factual issue concerning prior convictions which has not been resolved by the parties
23 and which needs to be further discussed with Mr. Lopez-Padilla. This issue is material to plea
24 negotiations and to Mr. Lopez-Padilla's decision about how best to proceed.

25 The parties agree and stipulate that the time until August 15 should be excluded,
26 under 18 U.S.C. §3161(H)(8)(A) and (B) for continuity of counsel and because the ends of

justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts.

Date 7/23/07

/s/
 John Paul Reichmuth
 Assistant Federal Public Defenders
 Counsel for defendant Lopez-Padilla

7/23/07
Date

/s/
Bryan Whittaker
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document. /S/ John Paul Reichmuth

/S/ John Paul Reichmuth
Counsel for Defendant Lopez-Padilla

Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to August 15, 2007 at 2:00 p.m., and that time is excluded from July 25, 2007 until August 15, 2007 pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Date _____

Hon. Claudia Wilken
United States District Judge